

P.S.  
Bullhead  
2001

BEFORE THE  
SHORELINES HEARINGS BOARD  
STATE OF WASHINGTON

IN THE MATTER OF THE DENIAL OF  
A SUBSTANTIAL DEVELOPMENT PERMIT  
BY THE TOWN OF GIG HARBOR TO  
THOMAS G. MORRIS, JR. AND  
DAVID R. MORRIS

THOMAS G. MORRIS, JR. and  
DAVID R. MORRIS,

Appellants,

vs.

TOWN OF GIG HARBOR,

Respondent.

SHB No. 81

FINAL FINDINGS OF FACT,  
CONCLUSIONS OF LAW AND ORDER

This matter having come on duly and regularly for hearing before the Shorelines Hearings Board, presided over by Walt Woodward, and consisting of Mary Ellen McCaffree, Arden A. Olson and Robert E. Beaty, which hearing was held at the Town Hall, Gig Harbor, Washington, on November 9, 1973, and the Board at that time having heard testimony from the Town of Gig Harbor, through the Mayor John Bujacich and through Councilwoman Ruth Bogue, and further having heard the testimony

1 from the appellants above, having reviewed all of the material submitted  
2 to the Board including typed transcripts of all testimony of objecting  
3 persons and their attorneys given at previous Town Council hearings; and  
4 the Board having made a personal inspection of the site for the proposed  
5 private boatdock as well as viewing the adjacent properties to either side,  
6 and without being required to, but having considered exceptions of a non-  
7 party, and having denied same, and having fully satisfied itself in all  
8 respects, hereby enters the following

9 FINDINGS OF FACT

10 I.

11 On May 14, 1973, the appellants, Thomas G. Morris, Jr. and David R.  
12 Morris, were issued a final denial of their application for a substantial  
13 development permit under the Shoreline Management Act, by the respondent,  
14 the Town of Gig Harbor. Appellants filed a timely request for review with  
15 the Shorelines Hearings Board, which the Office of the Attorney General  
16 duly and timely certified.

17 II.

18 The appellants who are owners of waterfront property on Harborview  
19 Avenue South, Gig Harbor, Washington, submitted an application to the  
20 Incorporated Town of Gig Harbor, Washington for a substantial development  
21 permit to repair and preserve an existing concrete bulkhead, to construct  
22 110 feet of dock on piling, an inclined gangway, 8 feet by 70 feet,  
23 and a 5 feet by 35 feet boat float on tidelands of the second class frontin  
24 Gig Harbor, all in Section 8, Township 21 north, Range 2 east of the  
25 Willamette meridian. This property is 60 feet in width and extends 228  
26 feet seaward from the existing concrete bulkhead. The appellants own

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1 the tidelands mentioned above. This harbor is a shoreline of state-wide  
2 significance under the Shoreline Management Act. (RCW 90.58.030)

3 III.

4 On November 13, 1972, the appellants after having had their  
5 original application denied by the Town Council of Gig Harbor, resubmitted  
6 their basic application with some revisions regarding the footage width  
7 of the styrofoam float at the end of the dock. This was reduced from  
8 35 feet to 26 feet which is 4 feet less than one-half of their  
9 waterfront, and requested that their proposal be reconsidered at the  
10 Town Council meeting of November 27, 1972.

11 IV.

12 On January 22, 1973, prior to the regular meeting of the Town  
13 Council of Gig Harbor, a third public hearing was held on the revised  
14 application of the appellants for a substantial development permit under  
15 the Shoreline Management Act. The appellants were represented at this  
16 hearing by their attorney Albert R. Malanca, who proposed a possible  
17 further revision of the design plans. He suggested that the appellants  
18 would be willing to put the float at an angle in order to leave more  
19 space between their dock and those of their neighbors.

20 V.

21 The appellants had originally submitted a detailed drawing of  
22 their proposed private boatdock, and this drawing was modified by  
23 certain design changes as contained and outlined in a letter signed by  
24 the appellants and submitted at the January 22, 1973 meeting. Because  
25 of questions raised at previous hearings, the appellants modified  
their design for their boatdock and float to accommodate the objection

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1 raised by the property owners on either side of their property.

2 VI.

3 The testimony of representatives of the Town of Gig Harbor, and  
4 the transcript of the Town Council meeting of January 22, 1973, shows  
5 that the main objections presented to the Town Council came from  
6 Puget Sound Herring Sales, Inc. represented at the said hearing by  
7 Mr. Ray Graves, their attorney, and from the Stutz Shell Oil Company  
8 Dock, represented at said hearing by the owner and attorney, Owen P.  
9 Hughes.

10 VII.

11 The respondent was represented by Mayor John Bujacich and  
12 Councilwoman Ruth Bogue. Both persons have been long time residents  
of Gig Harbor. Mr. Bujacich is owner and operator of a fishing  
14 boat in Gig Harbor.

15 VIII.

16 It was established by the respondent that the property which is  
17 the subject of this appeal is in a commercially-zoned area of Gig Harbor.

18 IX.

19 The testimony shows that there would be no interference of the  
20 public's use of the waters in Gig Harbor from the construction of  
21 this boatdock and float as proposed and later modified by the  
22 appellants.

23 X.

24 The testimony did, however, point to a certain amount of confusion  
25 on the part of the respondent as to the proposed use of the facility  
by appellants. There was a concern for the problem of persons using

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1 the boatdock possibly parking their automobiles on the sides of the  
2 street near the subject property.

3 XI.

4 Appellants' property is located on a curve of Harborview Avenue  
5 South. Harborview South is the main street leading into the center  
6 of the town. Parking automobiles on the sides of this street would  
7 create a very grave hazard to persons driving into and out of the  
8 Town of Gig Harbor on Harborview Avenue South.

9 XII.

10 Any Conclusion of Law hereinafter recited which should be deemed a  
11 Finding of Fact is hereby adopted as such.

12 Therefore, from the foregoing Findings of Fact, the Board makes the  
following

14 CONCLUSIONS OF LAW

15 I.

16 The Board has proper jurisdiction of the parties hereto in the  
17 above-entitled administrative hearing, and the subject matter of this  
18 action; all proper notices pertaining to a public hearing were held  
19 and complied with, and the requirement of all town ordinances were  
20 met.

21 II.

22 The respondent has not yet completed a master program for the  
23 development of its shorelines as set out in RCW 90.58.080. However,  
24 the appellants' application for a permit to construct a boatdock and  
25 float is a substantial development which is consistent with the policy  
section of the Shoreline Management Act (RCW 90.58.020) and the

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Guidelines of the Department of Ecology.

III.

Any private boat dock facility granted in this request for review must have adequate off-street automobile parking to assure that the sides of the public street of Gig Harbor are kept clear of parked automobiles as referred to in Finding of Fact XI.

IV.

Any Finding of Fact which should be deemed a Conclusion of Law is hereby adopted as such.

From these Conclusions, the Shorelines Hearings Board issues this

ORDER

The appellants are hereby granted a substantial development permit under the Shoreline Management Act of 1971 to construct a boatdock as designed and modified and submitted to the Gig Harbor Town Council subject to the following condition:

The appellants shall provide one off-street automobile parking space for each boat to be moored along this private boatdock.

DONE at Lacey, Washington this 12<sup>th</sup> day of April, 1974.

SHORELINES HEARINGS BOARD

Walt Woodward  
WALT WOODWARD, Chairman

Mary Ellen McCaffree  
MARY ELLEN McCAFFREE, Member

Arden A. Olson  
ARDEN A. OLSON, Member

Robert E. Beaty  
ROBERT E. BEATY, Member

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